

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ROBERT TERRY,

Petitioner,

v.

RONALD H. CATHEL,

Respondent.

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Civil Action No.
05-4644 (DRD)

MEMORANDUM OPINION
AND ORDER

IT APPEARING THAT:

1. On September 26, 2005, Petitioner instituted the instant Section 2254 habeas action. See Docket Entry No. 1.
2. After giving Petitioner his Mason notice, directing Respondent to answer Petitioner's application, and having Petitioner traverse to Respondent's answer, this Court considered all submissions made and dismissed Petitioner's habeas application as untimely, declining to issue him certificate of appealability. See Docket Entries Nos. 2-15.
3. Petitioner appealed and, on March 22, 2007, the Court of Appeals also denied him certificate of appealability. See Docket Entry No. 20. The Supreme Court of the United States denied him certiorari on November 13, 2007. See Docket Entry No. 21.
4. Almost five years passed by, and - on August 10, 2012 - the Clerk received a letter from Petitioner asserting that his

habeas challenges should be revisited anew under the holding of Martinez v. Ryan, __ U.S. __, 132 S. Ct. 1309 (2012).

IT IS, therefore, on this 17th day of August, 2012,

ORDERED that the Clerk shall create a new and separate matter for Petitioner, designating "ROBERT TERRY" as "Petitioner" and "WARDEN" as "Respondent," and - in addition - designating "Cause" as "28:2254 Petition for Writ of Habeas Corpus (State)" and "Nature of Suit" as "530 Habeas Corpus (General)"; and it is further

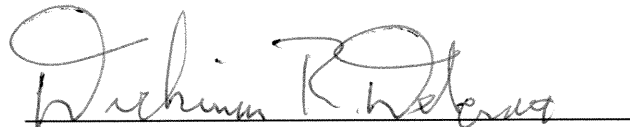
ORDERED that the Clerk shall assign such new matter to the undersigned; and it is further

ORDERED that the Clerk shall docket Petitioner's latest submission (docketed in the instant matter as Docket Entry No. 23) in that new matter, designating it as "Docket Entry No. 1" and as "Petition," and accompanying it with the docket text reading "IN FORMA PAUPERIS STATUS ALREADY GRANTED"; and it is further

ORDERED that the Clerk shall docket this Memorandum Opinion and Order in that new matter, designating it as "Docket Entry No. 2"; and it finally

ORDERED that the Clerk serve this Memorandum Opinion and Order upon Petitioner by regular U.S. mail. For Petitioner's reference and conveniences, the Clerk shall include in said mailing a copy of the docket sheet created in the new matter

created for Petitioner.



Dickinson R. Debevoise
United States District Judge